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**OCT 17 2006**

**Director's Office  
Office of Patent Publication**

**LOTT & FRIEDLAND, P. A.  
ONE EAST BROWARD BLVD.  
SUITE 1609  
FORT LAUDERDALE, FL 33301**

In re Application of :  
Rud Istvan, et al. :  
Application No. 09/998,733 : **DECISION ON PETITION**  
Filed: November 30, 2001 :  
Attorney Docket No. 07083-1-007200 :

This is a decision on the Petition Under 37 C.F.R. § 1.181 For Withdrawal Of Abandonment Resulting From Correspondence Never Received, received in the United States Patent & Trademark Office (USPTO) on May 18, 2006.

The petition is **DISMISSED**.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee and Publication fee, as required in the Notice of Allowance and Fee(s) Due mailed May 20, 2005. The Notice of Abandonment, mailed on March 20, 2006 indicates, "The submitted fee of \$0 is insufficient. A balance of \$1,700 is due."

The Office acknowledges receipt of Part B – Fee(s) Transmittal on August 12, 2006, authorizing that the Issue Fee and Publication Fee be charged to Deposit Account No. 50-2725. On August 12, 2006, when an attempt was made by the Accounting Technician in the Office of Initial Patent Examinations (OIPE) to charge the fees, there were insufficient funds in the Deposit Account.

37 CFR 1.25 (a) and (b), which states in part:

1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."

1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.


Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

- Under 37 CFR 1.137(a), a petition for the revival of an *unavoidable* abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

Further inquiries with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

*By mail:*                      Mail Stop Petitions  
                                         Commissioner for Patents  
                                         Office of Petitions  
                                         P O Box 1450  
                                         Alexandria, VA 22313-1450

Telephone inquiries concerning this decision matter may be directed to the undersigned at 703-308-9250 ext. 167.

  
Brenda J. Moore  
Quality Operations Assistant  
Office of the Director  
Office of Patent Publications